REMARKS

The Office Action mailed December 9, 2005 has been received and reviewed. Claims 1-5, and 7-26 are pending. Claims 7-26 were withdrawn from consideration. Claims 1-5 stand rejected. Claim 1 has been amended as previously set forth. All amendments are made without prejudice or disclaimer. Reconsideration is respectfully requested.

Support for amendment

Claim 1 has been amended. Support for the amendment can be found throughout the application, especially in paragraph **[0025]** of the specification.

Claims Rejections-35 U.S.C. § 102

Claims 1-3, and 5 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Brown et al. (US 5,807,522). Brown et al. does not disclose a microarray support comprising patches that are smaller in at least one or two dimensions than the size of the circumference of the positioned droplets or spots, which is an element of amended claim 1. On the contrary, Brown et al. teaches that one spot should fit into one patch, as suggested in the following cited paragraph:

> As can be appreciated, the cells formed by the grid lines and the underlying backing are water-impermeable, having side barriers projecting above the porous film in the cells. Thus, defined-volume samples can be placed in each well without risk of cross-contamination with sample material in adjacent cells.
> (Brown et al, column 12, lines 61-67)

The microarray support as recited in claim 1 is advantageous in that diffusion is diminished, as evidenced in, for instance, paragraph **[0051]** of the specification:

> The pattern of hydrophilic (normally hydrophilic matrixes cause severe diffusion) and hydrophobic areas (blocks diffusion) diminish diffusion, <u>especially when the patches are smaller then the droplet size of dispensed material</u>. Although the surface of the PP is not completely covered with a homogenous graft, high loadings of peptide/cm^2 are possible due to the relatively high surface occupation of the polyacrylic acid grafts on the PP surfaces.
> (Specification, paragraph **[0051]**, emphasis added)

Since Brown et al. does not disclose each and every element of independent claim 1, claim 1 as amended is not anticipated by Brown et al. Claims 2, 3 and 5 are not anticipated for,

inter alia, depending from claim 1 which is not anticipated.

Claim Rejections-35 U.S.C. § 103

Claim 5 was rejected for allegedly being unpatentable over Brown et al. (US 5,807,522) in view of Drumheller (US 5,874,165). Discussions in the Office Action (Page 4, paragraph 3) suggest that the rejections were intended for claim 4, not claim 5. Applicants reply to the rejections as understood.

The standard for establishing and maintaining a rejection under 35 U.S.C. § 103(a) is set forth in M.P.E.P. § 706.02(j), which provides:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As discussed previously, Brown et al. does not disclose a microarray support with surface areas and surface patches, wherein the patches are smaller in at least one or two dimensions than the size of the circumference of the positioned droplets or spots. Such a microarray support is not disclosed by Drumheller either. As such, the combination of Brown et al. and Drumheller does not teach or suggest all claim limitations. Therefore, a *prima facie* case of obviousness has not been established for claim 4.

Accordingly, withdrawal of the 35 U.S.C. § 102(b) and § 103(a) rejections of claims 1-5 are respectfully requested.

Respectfully submitted,

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Date: May 9, 2006

Enclosure: Petition for Extension of Time for two months